

SENATE BILL 1307

By Crowe

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 29, relative to arbitration agreements involving military service members.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as "The Andes Campbell Lubey Service Member Employment Protection Act."

SECTION 2. Tennessee Code Annotated, Section 29-5-302, is amended by adding the following as a new, appropriately designated subsection:

(c)

(1) Except as otherwise provided in subdivision (c)(2), an employer shall not, as a condition of employment, require an employee or prospective employee who is a member of the national guard or the uniformed services of the United States to execute:

(A) A waiver of any legal right, penalty, remedy, forum, or procedure that is available to the employee under federal or state law as the result of the employee's status as a member of the national guard or the uniformed services of the United States; or

(B) A mandatory and binding arbitration agreement for the purposes of arbitrating any dispute or claim for which the employee would otherwise be entitled to seek administrative or civil relief as the result of the employee's status as a member of the national guard or the uniformed services of the United States.

(2) Any waiver or binding arbitration agreement executed in violation of subdivision (c)(1) is unenforceable and void unless the employee knowingly and

voluntarily executes the waiver or agreement and the waiver or agreement is in writing and signed by the employee. An agreement entered into knowingly and voluntarily in accordance with this subdivision (c)(2) confers jurisdiction on the court to enforce the agreement under this part and to enter judgment on an award thereunder.

SECTION 3. Tennessee Code Annotated, Section 29-5-302(b), is amended by deleting the language "this section" and substituting instead the language "subsection (a)".

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act shall be severable.

SECTION 5. This act shall take effect July 1, 2017, the public welfare requiring it.